



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,481	10/23/2003	Philip Berardi	418-27-002	1998
23935	7590	12/21/2005	EXAMINER	
KOPPEL, JACOBS, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/692,481

**Applicant(s)**

BERARDI, PHILIP

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-14, 16-18 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16-18 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3632

### DETAILED ACTION

This is the non-final Office Action for the serial number 10/692,248, Mount for Stage Apparatus, filed on 10/23/03.

The examiner withdraws the allowability claim 7 in view of new ground of rejection. Any inconvenience is regretted.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 16-17, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,591,541 to Cummings in view of US Patent # 3,964,706 to Adams and in further view of US Patent # 6,301,820 to Rosa.

Cummings teaches a support mount (figure 2) comprising a base plate (74), a mount device (18) permanently attached to the base plate, at least one knob assembly (24) comprising knob and bolt (screw and figure 5), the support mount is coupled to a rail (54) by placing the bolt of knob assembly into a channel in the rail and rotating the knob assembly. The bolt comprises a head (100), a collar (104) and cylindrical portion (shaft of bolt or pin body). The head is formed of "T" shaped with collar and the cylindrical portion. The mount device comprises a tube (30). The support mount is coupled to a rail (52) by placing the t-bolt of the knob assembly into a

Art Unit: 3632

channel of rail and rotating the knob assembly. The base plate and mount device are constructed of metal material (aluminum, col. 4, lines 42-43, col. 5, lines 4-5). Furthermore, Cummings teaches that the rail is coupled to a wall (transom).

Cummings teaches the knob assembly comprising knob and bolt but fails to teach the bolt is secured in the stem, however the element 32 in figure 2 shows that the bolt of knob is secured in the stem. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the stem to knob assembly to provide a spacer between the knob and the base.

Cummings teaches the equipment (20) but fails to teach the equipment is a net. Adams teaches the equipment is a net (54). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Cummings' equipment with net as taught by Adams to provide alternative method for picking up an object.

Cummings teaches the tube but fails to teach the handle is mounted on the tube. Rosa teaches the handle (122) mounted on the tube (120). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added handle to Cummings's tube as taught by Rosa to provide security for the rod to remain inside of the tube.

Claims 12-14 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings in view of Adams, Rosa and in further view of US Patent # 5,199,836 to Gogarty.

Art Unit: 3632

Cummings teaches the stem but fails to teach the stem comprising screw threads.

Gogarty teaches the stem (106) having screw threads (figure 14). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added Cummings' stem with screw threads as taught by Gogarty to provide security for stem to remain connected with the bolt.

In regard to claims 12-13, Cummings teaches the collar but fails to teach the collar is shaped of cam. Gogarty teaches the collar (54) is shaped of cam. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Cummings' collar with cam shaped as taught by Gogarty to provide better security for the bolt to remain connected to channel of rail.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings in view of Adams, Rosa and in further view of US Patent # 4,190,309 to Glass.

Cummings teaches the base plate and rail but fails to teach a friction plate adapted to be coupled between the base plate and the rail. Glass teaches the friction plate (74) adapted to be coupled between the base plate and the rail. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added friction plate to Cummings' base plate and rail as taught by Glass to allow the base plate to move against rail in efficient motion.

***Response to Arguments***

Art Unit: 3632

Applicant's arguments with respect to claims 11-14, 16-18 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

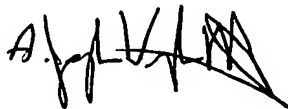
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632



12/14/05